

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**TAURUS PT111 G2 PISTOL, CAL: 9,
SERIAL NUMBER TL080031,**

Defendant.

Case No.

COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff, United States of America, by its attorneys, Timothy A. Garrison, United States Attorney for the Western District of Missouri, and Stacey Perkins Rock, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is an action to forfeit property to the United States for violations of 18 U.S.C. § 924(d).

THE DEFENDANT *IN REM*

2. The defendant Taurus PT111 G2 Pistol, Cal. 9, serial number TL080031 (defendant firearm) was seized from Troyvonte Walker-Hughes (Walker-Hughes) on March 5, 2019, in Russellville, Missouri, in the Western District of Missouri. It is presently in the custody of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in the Western District of Missouri.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 18 U.S.C § 924(d).

4. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1355(b)(1)(B), incorporating 28 U.S.C. § 1395, because the defendant property is found in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1395, because the defendant property is found in this district.

BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 924(d) because it was involved in or used in a violation of 18 U.S.C. § 922(g)(3), that is, it is unlawful for any person who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substance Act (21 U.S.C. § 802) to possess a firearm.

7. The defendant property is also subject to forfeiture pursuant to 18 U.S.C. § 924(d) because when it was acquired, the purchaser made a false statement to the licensed firearm dealer regarding his use of a controlled substance in violation of 18 U.S.C. § 922(a)(6).

FACTS

8. On or about February 6, 2019, Walker-Hughes purchased the defendant firearm at Family Pawn, a licensed Federal firearm dealer in Jefferson City, Missouri, in the Western District of Missouri.

9. To complete the purchase, Walker-Hughes completed an ATF Form 4473 at the licensed firearms business. Question 11.e. asked, “Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? **Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.**”

10. Walker-Hughes falsely marked ‘no’ in response to Question 11.e. on ATF Form 4473.

11. On or about March 5, 2019, Walker-Hughes admitted that he had smoked marijuana since the age of 17. Further, Walker-Hughes admitted that he smoked marijuana that day, March 5, 2019.

12. On February 6, 2019, Walker-Hughes knew he was a drug user or addicted to a controlled substance, marijuana, when he purchased the defendant firearm.

13. On March 5, 2019, Walker-Hughes knew he was a drug user or addicted to a controlled substance, marijuana.

14. On March 5, 2019, Walker-Hughes possessed the defendant firearm in violation of federal law.

CLAIMS FOR RELIEF

FIRST CLAIM

15. The Plaintiff repeats and incorporates by reference the paragraphs above.

16. By the foregoing and other acts, defendant firearm is subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d) because the purchaser of the firearm made a false statement to the licensed firearm dealer regarding his use of controlled substances.

SECOND CLAIM

17. The Plaintiff repeats and incorporates by reference the paragraphs above.

18. By the foregoing and other acts, defendant firearm is subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d) because it is unlawful for any person who is an unlawful user of, or addicted to any controlled substance to possess any firearm or ammunition.

WHEREFORE the United States prays that the defendant property be forfeited to the United States, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as the Court deems proper and just.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

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VERIFICATION

I, Special Agent Phillip D. Pritchett, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, that I have read the foregoing Verified Complaint *in Rem* and know the contents thereof, and that the factual matters contained in paragraphs seven through 14 of the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated 7/22/19

/s/ Phillip D. Pritchett
Phillip D. Pritchett
Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives